

### **REMARKS/ARGUMENTS**

The Office Action has been carefully considered. It is respectfully submitted that the issues raised are traversed, being hereinafter addressed with reference to the relevant headings appearing in the Detailed Action section of the Office Action.

The Applicant has amended claims. The Applicant respectfully submits that the amendments to the claim set are fully supported by the originally filed specification.

Claim 1 has been amended to include the limitation of "a gap being provided between the heating circuits and the actuators and the ink ejection members" as a step of the claimed method. Support for this amendment can be found at paragraph [0192] of the description.

#### ***Double Patenting***

The Examiner rejected claims 1 - 6 under 35 USC 101 as claiming the same invention as that of claims 1 - 6 of prior US Patent No. 6,929,350.

Claim 1 of the present application has been amended so that claim 1 of the present application is now not coextensive in scope with prior US Patent No. 6,929,350.

Presently amended claim 1 requires a gap to be provided between the heating circuits and the actuators and the ink ejection members. Claim 1 of prior US Patent No. 6,929,350 is silent on this feature. It is respectfully submitted that the statutory double patenting objection is thus overcome.

In respect of the provisional obviousness-type double patenting rejection the applicant herewith submits a terminal disclaimer in respect of co-pending application no. 11/165,062.

It is respectfully submitted that this overcomes the provisional obviousness-type double patenting rejection.

**CONCLUSION**

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejections. The present application is believed to be in condition for allowance. Accordingly, the Applicant respectfully requests a Notice of Allowance of all the claims presently under examination.

Very respectfully,

Applicant:



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